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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1394th meeting
Held at the Palais des Nations, Geneva, on Monday, 29 February 2016, at 3 p.m.

Chair: Ms. Hayashi

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Combined eighth and ninth periodic reports of Haiti

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-03366 (E) 140316 180316

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Haiti (CEDAW/C/HTI/8-9; CEDAW/C/HTI/Q/8-9 and Add.1)

1. At the invitation of the Chair, the delegation of Haiti took places at the Committee table.

2. Ms. Gelin (Haiti), introducing the State party's eighth and ninth periodic reports, said that, since the submission of its combined initial and second to seventh periodic reports, the Government of Haiti had spared no effort in implementing the Convention. A constitutional amendment adopted in 2011 had strengthened the principle of equality between the sexes by introducing a minimum 30 per cent quota for women at all levels of national life, particularly in public services, and had been followed by the adoption of the first national gender equality policy, covering the period 2014-2034, together with a six-year action plan.

3. Since its establishment in 1994, the Ministry for the Status of Women and Women's Rights had sought to combat the practices and customs that discriminated against women. Specifically, since 2007, the Ministry had undertaken an extensive campaign to eradicate stereotypical images of women. Although that campaign had had a significant initial impact, the past few years had seen a drastic increase in sexist practices and attitudes in Haitian society. In response, the Ministry for the Status of Women and Women's Rights, together with the Ministry of Public Health and the Population and the Ministry of Education and Vocational Training, had been carrying out awareness-raising activities in schools and elsewhere to educate young people about gender-based violence, gender equality, sexual and reproductive health and other related issues.

4. Access to justice and the elimination of violence against women had been identified as ongoing concerns by women's organizations, prompting the Government to prioritize those goals. In 2013, the Directorate of Legal Affairs and the Office to Combat Violence against Women and Girls had been established within the Ministry for the Status of Women and Women's Rights to provide legal assistance to victims and, in 2014, the Ministry of Justice and Public Security had likewise decided to establish legal assistance offices to strengthen national support mechanisms for female victims of violence. Two such offices were already in operation. In addition, as part of its judicial reform programme, the Government had drafted a revised version of the Criminal Code that established severe penalties for the perpetrators of gender-based violence. The draft was currently pending adoption by the legislature.

5. A bill on the prevention, punishment and elimination of violence against women, which had been drafted with inputs from all sectors of society, would also be voted on by the current legislature. Women's organizations were actively lobbying parliamentarians to secure the bill's swift adoption. The second National Plan to Combat Violence against Women, covering the period 2012-2016, took a three-pronged approach that entailed increasing support for victims of violence by establishing the aforementioned legal assistance offices; improving the collection and management of data on violent incidents by creating a dedicated database, now operational since December 2015; and conducting a nationwide campaign to prevent violence against women and inform victims of their rights and of the resources available.

6. The Government had expanded the enrolment capacity of the Legal Service Training College with a view to increasing the number of women working in the judiciary. As a result, half of the 2014 intake of 66 students had been women. The Training College also

organized regular awareness-raising events focusing on the international conventions related to women's rights that had been ratified by Haiti, including the Convention on the Elimination of All Forms of Discrimination against Women. It was hoped that judges would apply the provisions of those conventions in subsequent decision-making.

7. The National Health Plan for the period 2012-2022 placed great emphasis on sexual and reproductive rights. Its objectives included doubling the rate of family planning use, eliminating HIV/AIDS transmission and halving infant mortality. Considerable progress had already been made. Over the past five years, 67 per cent of pregnant women had benefitted from the minimum four prenatal visits recommended and 76 per cent had been vaccinated against tetanus. Maternal mortality had dropped from 630 deaths per 100,000 live births in 2006 to 330 deaths per 100,000 live births in 2015. However, early pregnancy and HIV infection was still significant concerns: 0.9 per cent of young people between 15 and 24 years old were HIV-positive and that percentage rose with age. HIV was more prevalent among girls than among boys. The decriminalization of abortion, which was still an offence under the current Criminal Code, was being considered as part of the judicial reform process.

8. The Ministry of Education and Vocational Training had concluded a number of cooperation agreements with the Ministry for the Status of Women and Women's Rights with a view to guaranteeing equal access to education and training for women and girls. One of the Government's priorities was to provide free universal education; to date its flagship programme to realize that goal had benefited over 76,000 boys and 75,000 girls nationwide. Enrolment and retention rates for girls and women in primary, secondary and tertiary education had both risen, and women had represented 42 per cent of total enrolment in vocational training in 2013. However, women still tended to choose fields traditionally associated with their gender that often did not match the needs of the labour market and the opportunities it offered. There was therefore an occupational gender gap.

9. The adoption of the 30 per cent quota, combined with other measures, had significantly increased the number of women in positions of influence. For example, around 38 per cent of ministerial posts were currently occupied by women and women accounted for at least one out of every three members of municipal councils — a trend that augured well for women's wider participation in local government. Although many more women had run for office in the most recent elections than previously, it was nonetheless regrettable that not a single woman had been elected to the Parliament. Economic, cultural and psychological factors had contributed to that result, as had the atmosphere of violence prevailing during the electoral process.

10. Poverty and living conditions in Haiti had grown much worse in recent decades. More than half the population lived in extreme poverty and three quarters lived below the poverty line. Women were disproportionately affected as they often suffered discrimination when attempting to access land and other essential resources such as credit. Despite playing a key role in the economy, women faced a "glass ceiling" in the civil service and widespread unemployment and exclusion from the formal labour market led many to seek independent sources of income, usually in the informal sector. However, women working in the informal sector did not have stable income, were deprived of the right to social security and protection, and consequently were the most severely affected by socioeconomic crises and global sociopolitical instability.

11. The Government had adopted a number of measures to improve women's economic status. For example, women were being encouraged to take up jobs in technology or science; guidelines were being developed to ensure transparency, traceability and equal opportunities in civil service recruitment; an equitable social security system that protected women and men equally was being created; efforts were under way to improve the working conditions of women in the informal sector; the 30 per cent quota for women was

automatically applied in labour-intensive projects undertaken by the Ministry for Public Works; and a programme for the socioeconomic reintegration of young single mothers had been launched.

Articles 1 and 2

12. **Ms. Pomeranzi** said that, while the Committee was aware of the significant challenges faced by the Government during the prolonged rehabilitation period that had followed the devastating earthquake of 2010, it was nonetheless concerned about the gender-based discrimination and violence that women and girls continued to suffer in Haiti. It was difficult to understand why only three of the eight laws that the State party had mentioned during its previous dialogue with the Committee had since been enacted. The State party should clarify the time frame for the adoption of all pending legislation and the enactment of laws already adopted. She was also interested to know the extent to which the national gender equality policy might help to resolve the problems inherent in the legislative process.

13. It was regrettable that marginalized women continued to struggle to obtain access to justice, in spite of governmental and NGO efforts. She would appreciate additional information on the structure and financing of the formal justice system and the measures taken by the State to combat corruption and ensure the impartiality and credibility of the judiciary. Further information was also needed about the role of the Ombudsman's Office, which had been designated as the national human rights institution in 2012. Specifically, she would like to know whether the Office had a dedicated focal point for the receipt of complaints from female victims.

14. **Ms. Patten** said that, although the number of internally displaced persons had fallen and most of the camps in Haiti had closed, durable solutions had yet to be found, especially for women and girls. She would like to know how the State party was addressing the challenges facing women and girls, particularly those at risk of multiple forms of discrimination such as widows, the elderly and women with disabilities. It would also be useful to know the extent to which displaced women were involved in planning and implementing assistance programmes, camp management and decisions concerning longer-term solutions; whether steps had been taken to establish a disaster plan in conjunction with international stakeholders; and to what extent the local population, including internally displaced persons, were involved in that process.

15. **Mr. Bazelais** (Haiti) said that, unfortunately, women's rights were not enshrined in law in Haiti. Aware of its obligation to provide women with access to justice, however, the Government had set up a system of mobile courts and legal assistance offices for women unable to reach a regular court. Moreover, prompted by the realization that male judges were often inclined to dismiss women's claims, the Ministry of Justice and Public Security was seeking to increase the number of women judges in order to comply with the 30 per cent minimum quota. Currently, there were only 74 women judges, compared with 874 men, but women accounted for around half the intake of the Legal Service Training College.

16. There were more men than women in pretrial detention but, until recently, women detainees had been held in atrocious conditions, sometimes accompanied by their children. A prison that met international standards had consequently been built in the west of the country. In 2015, a total of 16 women and 2 minors were being held in long-term pretrial detention.

17. There were 18 judicial districts in Haiti, 5 courts of appeal, 1 court of cassation, 18 courts of first instance and 185 magistrates' courts. All courts had been specifically requested by the Ministry to ensure that women's claims were heard and that women were provided with the necessary assistance.

18. The Ministry constantly strove to eliminate corruption in the judiciary. Judges were under the oversight of the High Council of the Judiciary and were required to reach their decisions in accordance with the law and their consciences. Some progress has been made: for example, penalties had been imposed upon a judge found guilty of corruption. Complaints could be addressed to the Ombudsman's Office, which shared them with the Ministry and the High Council.

19. **Ms. Gelin** (Haiti) said that there were 2 million people living in camps despite efforts to reduce their number. In an initiative sponsored by the International Organization for Migration, women officials had been appointed to visit both the camps and the settlements to which families had been relocated in order to identify health problems or domestic abuse. Such officials were backed up by community associations that could help women get to hospital or to a court. The situation was very bad, but the Government did provide some assistance.

20. The Government's action on disaster risk reduction had not been adequate. As it had been reluctant to make unpopular decisions, people had been allowed to build houses in dangerous locations. If such building was not monitored daily, people who had been displaced would simply return. The Ministry of Justice and Public Security was working with the Directorate for Civil Protection to identify areas that were safe from disaster. In addition, over the past 25 years, the Ministry of Public Health and the Population had built 65 health centres and hospitals in order to cover even the most remote areas.

21. **Ms. Pomeranzi** asked how the head of the delegation, in her role as Director General of the Ministry for the Status of Women and Women's Rights, could help translate the gender equality policy into law. The lack of legislation suggested that there were problems at the political level. She also wished to know whether the delegation had any data on problems already resolved by the new legal assistance offices.

22. **Ms. Schulz** said she found it surprising that a draft bill mentioned in the State party's previous report had still not been adopted and would like to know what obstacles there could be to the adoption of a bill. Even after a law had been adopted by both houses of Parliament, up to four years could pass before it was promulgated. She would be grateful to learn more about the State party's institutional mechanisms and its legislative process.

23. **Ms. Patten** said that the purpose of her earlier question had been to seek information about the involvement of displaced women in decisions affecting them and their integration within local neighbourhoods. She would also be interested to know what the impact of rental subsidies had been and whether the recommendations of the United Nations Special Rapporteur on the human rights of internally displaced persons had been implemented.

24. **Ms. Pimentel** said that, according to the information at her disposal, legal proceedings in Haiti were generally conducted in French even though 80 per cent of the population did not speak that language. If that was the case, all the State party's efforts at legal reform would go to waste.

25. **Ms. Romulus** (Haiti) said that the Paternity, Maternity and Filiation Act and the Human Trafficking Act had been promulgated in 2014. Only the draft act on the labour conditions of domestic workers remained to be promulgated. The newly elected Government would ensure that it finally entered the statute book. The gender equality plan was made up of 6 strategies, 7 objectives and 139 measures and a campaign to raise awareness across the country was already under way.

26. With regard to the question of the language used in the courts, she said that parties to proceedings were free to speak Creole if they wished. Depositions were made in both languages and some judgements were also delivered in Creole. Where a participant did not understand French, her lawyer could provide a translation.

27. **Ms. Gelin** (Haiti) said that French was the language of the educated class. However, Creole could be used in the courts and both French and Creole were used in the civil service. Under the 16/6 project, which had now been discontinued, families had been given a rental subsidy for one year after their first displacement to enable family members to find work and pay their rent. As for whether women could participate in decisions on situations affecting them, the answer was "no". Decisions were imposed on them. Indeed, the economic situation was such that foreign organizations providing assistance frequently acted without informing the Government. The Government intended to take matters back into its own hands, so that it knew what action was being taken.

28. **Ms. Romulus** (Haiti) said that, once the draft act on gender equality had been adopted, the country's international partners would be expected to comply with the law and with existing policy.

29. **Ms. Gelin** (Haiti) said that the problem with the promulgation of laws was that any draft found to contain material errors had to be returned to Parliament for further scrutiny. The promulgation of the Paternity, Maternity and Filiation Act had been delayed for that reason, even though it had passed through both houses some time previously. The Ministry for the Status of Women and Women's Rights had urged parliamentarians and senators to adopt the draft act on gender equality, notwithstanding any errors, and they had promised to do their best.

30. **Ms. Haidar** said that, while the Committee appreciated the State party's difficulties in preparing a report following the earthquake of 2010, she would be interested to know whether it was correct that the budget allocated to the Ministry on the Status of Women and Women's Rights still amounted to only 1 per cent of the national budget. The Ministry could be effective only if it had sufficient financial, as well as human and technical, resources. She commended the establishment of focal points to promote gender mainstreaming in ministries, but would like to know whether those focal points had had the expected impact and whether their training was monitored and evaluated.

31. In view of the importance of partnership with civil society, which could cover areas inaccessible to the State authorities, she wished to know what was being done to improve coordination networks. The Government might consider establishing mobile networks, along the lines of the mobile networks for justice mentioned by the delegation, to inform women, and especially women with disabilities and internally displaced women, of their rights. The State party's action to eliminate violence against women was commendable, but she was dismayed that there was no gender balance in its disaster risk reduction policies. Women should not be regarded only as victims. There was no reason why they should not also take on managerial roles.

32. **Ms. Nwankwo**, commending the State party for the adoption of the 30 per cent minimum quota for women at all levels of national life, said that she would like to know what the situation was in the civil service, especially at decision-making levels, and whether the quota was supported by an equal opportunities policy.

33. She noted that a proposal to integrate the 30 per cent quota into the draft electoral law, in the form of provisions for the inclusion of women in lists of candidates for election to the posts of mayor and deputy mayor, had been voted down in the House of Deputies and that some women deputies had also voted against the adoption of a proposed amendment to the Electoral Provisions Act under which the constitutional gender equality principle would be integrated into the Act, in line with the treaties ratified by Haiti. Clearly, awareness-raising and education about the need for temporary special measures were required for parliamentarians, government officials and employers, as well as the public. The inclusion of quotas in the Constitution was not enough: implementing guidelines with specific targets and time frames were necessary to ensure full implementation. In that connection, she

would like to know whether the current temporary special measures included penalties for political parties and leaders of other sectors that failed to comply with the 30 per cent quota. She would also be glad to know what action was planned to protest against the National Assembly's decision to reject articles 58 and 62 of the Electoral Provisions Act and urge the Senate to reinstate those articles.

34. **Ms. Gelin** (Haiti) said that, owing to exchange rate fluctuations, the budget allocated to the Ministry for the Status of Women and Women's Rights had decreased in real terms and currently stood at around 0.3 per cent of the national budget. The Government had developed strong partnerships with civil society and international organizations over recent years, which had resulted in the launch of various women's initiatives, including the establishment of a national database of cases of domestic violence against women and their outcomes. Activities to raise women's awareness of their rights under the Convention had also been conducted at the regional and local level and mobile teams had been deployed to provide support to women in remote and rural areas. Women living in areas affected by natural disasters had been moved to safety and had been provided with specialist medical kits tailored to their health-care needs.

35. **Ms. Romulus** (Haiti) said that, with support from the United States Agency for International Development (USAID), information-sharing networks had been established across the country to enable women to learn more about their rights and voice their opinions on proposed amendments to gender equality legislation.

36. **Ms. Gelin** (Haiti) said that only one woman minister had voted against the electoral quota for women; she had been of the view that gender inequality no longer existed in national politics. A far greater number of women had been encouraged to run for political office since the adoption of the quota, but women often lacked the resources needed to conduct political campaigns. Many political parties had also experienced difficulties in meeting the 30 per cent quota owing to a lack of women candidates wishing to stand. The quota had been more effective at the local level and 149 women representatives had been successful in the recent elections.

37. **Ms. Haidar** asked what measures had been taken to ensure that the Government implemented its gender equality policies and provided adequate human, financial and technical resources to the national machinery for the advancement of women.

38. **Ms. Ameline** said that she would like to know what steps had been taken to optimize the use of international funding in meeting the Government's gender equality targets and promoting women's rights.

39. **Ms. Gelin** (Haiti) said that penalties had not yet been established for political parties that failed to meet the 30 per cent quota. Women made up around 32 per cent of the civil service workforce but held only 7 per cent of senior decision-making positions. Efforts had been made to encourage all Government ministries to mainstream gender and prepare gender-sensitive budgets. However, a comprehensive approach to gender issues had not yet been adopted. The Government remained committed to working in partnership with international organizations to guarantee gender equality and women's rights and intended to take a leading role in implementing development projects and initiatives aimed at supporting women.

Articles 5 and 6

40. **Ms. Al-Dosari** said that she would welcome additional information on the measures taken to strengthen the general public's understanding of gender equality and ensure that the media portrayed women in a positive and non-stereotypical light. She also wished to know more about the awareness-raising activities conducted by the Government during

national women's month, which ran from 8 March to 3 April, and the annual carnival festivities.

41. **Ms. Acar**, noting the recent increase in sexist discourse, asked what policies had been implemented to change social and cultural patterns and eliminate gender-based stereotypes in Haiti.

42. **Ms. Arocha Domínquez** asked what steps had been taken to expedite the adoption of the bill to combat violence against women; what percentage of the budget had been allocated to the National Plan to Combat Violence against Women; and what measures had been taken to involve women's organizations and international organizations in its implementation.

43. **Ms. Haidar** asked whether the State party intended to adopt a national action plan to combat trafficking in persons, especially women and children, and to tackle trafficking for the purposes of domestic servitude and forced prostitution. Additional information on the measures taken to provide educational and economic alternatives to domestic servitude and prostitution and on the rehabilitation and reintegration possibilities available for women wishing to leave prostitution would also be useful, as would details of any Government efforts to implement national anti-trafficking legislation and establish Government-run shelters for women victims of human trafficking.

44. **Ms. Romulus** (Haiti) said that since 2007 the Ministry for the Status of Women and Women's Rights had been running an awareness-raising campaign during national festivities such as the Carnival that was based on the slogan "My body, my dignity". Gender stereotyping existed in school textbooks but the authorities were working with publishers and school principals to address that issue. Anti-trafficking legislation had been in force since 2014 and an interministerial anti-trafficking committee, composed of 11 members, had been established in 2015 under the purview of the Ministry for the Status of Women and Women's Rights.

45. As no communal elections had been held since 2011 there was no electoral mandate for the implementation of the communal decree against child prostitution. Elections were currently taking place, after which it should be possible to implement the decree. Work on the framework legislation on violence against women had been interrupted by the 2010 earthquake but had resumed in 2011 and the now finalized bill would be submitted to the legislature in the near future.

46. **Ms. Gelin** (Haiti) said that the endorsement of the legislation on violence against women was not a foregone conclusion. However, many parliamentarians were concerned about women's issues and the Ministry for the Status of Women and Women's Rights would make every effort to encourage them to ratify the new law. The interministerial anti-trafficking committee worked with the International Organization for Migration (IOM) and with the United Nations Children's Fund (UNICEF) and had recently participated in a two-day workshop on trafficking and child sex tourism organized by the Embassy of the United States of America. The database established in December in 2015 in implementation of the second National Plan to Combat Violence against Women included information gathered from women's organizations and State institutions. Its focus was violence against women but it also contained information on related issues such as health and education.

47. Insufficient attention had been accorded to cultural practices that reinforced gender inequality and gender stereotypes. In fact, certain manifestations of mass culture in Haiti, such as songs, were often highly disrespectful of women and their bodies. The authorities intended to use media campaigns to raise awareness about the issue and the Ministry for the Status of Women and Women's Rights had organized a number of supporting initiatives, including a concert of songs that were respectful of women and a poster campaign celebrating Haitian heroines of national independence.

48. **Ms. Pimentel** said that she commended Haiti for its media campaigns to combat inequality and stereotyping but wished to know whether the media itself had a code of conduct to prevent the daily transmission of discriminatory and offensive images of women. She would appreciate information about specific actions taken by the authorities to deal with incest and the rape of girls as young as 2 years of age. She also invited the delegation to clarify the scope and content of the communal decree against prostitution and explain if and when Haiti intended to criminalize the exploitation of prostitution. Lastly, she asked what was being done to combat the misuse of medical certificates in cases of sexual violence; whether the authorities were aware of the consequences of that misuse for women and girls with disabilities; and what alternatives were being offered to women and girls who were forced to offer sex in order to secure food and ensure their survival.

49. **Ms Arocha Domínguez** said that she wished to know more about how the Plan to Combat Violence against Women was being financed. She understood from the delegation's replies that there was no State financing and that the Ministry had to fund the plan from its own resources, with the support of non-State organizations. Although both men and women suffered violence at the border between Haiti and the Dominican Republic and women there might not be targeted because of their sex, it was important to note, especially in light of the Committee's general recommendation No. 28, that discrimination depended not only on the sex of the victim but also on the impact of the actions involved.

50. **Mr. Bazelais** (Haiti) said that incest, in the sense of marriage between blood relations, was prohibited under the Civil Code and was not a frequent occurrence in Haiti. The widely reported rape of a 2-year old girl was not the only case of its kind but such cases were referred to the courts and the perpetrators were punished. The increased reporting rate was due to the fact that people throughout the country were more aware of rape than they had been in the past. Rape cases could not always be proven, owing to delays and other problems, but the authorities were taking steps to make prosecutions more effective and prevent situations in which perpetrators and victims' families reached a compromise agreement.

51. **Ms. Romulus** (Haiti) said that the communal decree against child prostitution was also designed to combat the sale of pornography in public places and prohibit minors of either sex from visiting bars and nightclubs. The decree could be implemented after the forthcoming elections and the renewal of the electoral mandate and would help to strengthen existing anti-prostitution provisions in the Criminal Code.

52. The Government had taken steps to reduce violence at the border between Haiti and the Dominican Republic, particularly in view of the heavy presence of women who went there to sell their wares. The authorities were aware of the difficulties women sometimes faced in obtaining a medical certificate to validate a complaint of sexual violence and, in 2007, the Ministry for the Status of Women and Women's Rights, the Ministry of Justice and Public Security and the Ministry of Public Health and the Population had signed a memorandum of understanding to address those difficulties. Unfortunately, women were still sometimes obliged to pay to obtain medical certificates. However, the three ministries intended to issue new directives to ensure that the memorandum was correctly implemented.

53. **Ms. Gelin** (Haiti) said that the penalties for rape had recently been increased. Rape was now considered a serious offence and perpetrators faced prison terms of up to 15 years. The National Plan to Combat Violence against Women was not underfunded and it was not for lack of funds that some rape offences went unprosecuted. Sometimes a sense of shame led victims or their families to abandon a complaint.

54. **Ms. Romulus** (Haiti) said that a decree on sexual violence had been issued in 2005 that established fixed penalties for the different types of offence. Situations in which perpetrators and victims' families reached a compromise agreement generally occurred in

rural areas. Either a marriage was arranged between the perpetrator and victim or, more frequently, a compensatory financial settlement was agreed.

Articles 7 to 9

55. **Ms. Hofmeister** said that women in Haiti faced very difficult circumstances, partly due to natural disasters such as the 2010 earthquake and the cholera epidemic, but also because of poverty and severe gender bias. She was concerned that the minimum 30 per cent quota for women enshrined in the Constitution was not enforced in electoral lists and that offenders faced no legal penalties. It was important to remember that the outcome ultimately desired was not respect for the quota but parity between men and women. The delegation should provide accurate, up-to-date information on the participation of women, including disabled women, in politics, the civil service, international bureaucracy, the judiciary and the private sector.

56. Noting that the inclusion of women and girls was a question of political will and vital for the reconstruction and recovery of the nation, she asked how the Government intended to revise discriminatory legislation and establish a modern legal framework with democratic structures based on the rule of law and fair access to justice; how it combated gender bias and the exclusion of women and girls in society; what part male parliamentarians played in those efforts; and what measures were being taken to empower women and ensure that their voices were heard on issues such as sustainable development and climate change. She would also like to know what steps were being taken to protect human rights defenders from violence.

57. **Ms. Schulz** said that she was concerned about the more than 250,000 persons of Haitian origin currently living in the Dominican Republic who had been rendered stateless by a 2009 ruling of the Dominican Constitutional Court. The situation was particularly difficult for the women among them and she wished to know what political and legal measures were being taken to restore their nationality and whether discussions were underway with the Dominican Republic to ensure that the persons concerned were not expelled. If, in the worst case scenario, they were expelled, did the Haitian authorities have an emergency plan in place to protect them from violence, especially the women and girls?

58. She was also concerned by the fact that between 2.5 and 3 million undocumented persons living in Haiti were unable to access basic services. Such persons were at risk of statelessness and current nationality laws appeared to afford no protection against that contingency. She asked whether a timetable had been set for the far-reaching retroactive registration programme necessary for that segment of the population. The authorities should also consider abolishing the dual system in which civil registry offices operated alongside branches of the National Identification Office and introducing a single unified registration system. Lastly, she asked whether Haiti intended to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and to issue new nationality laws that were consistent with article 9 of the Convention and the Committee's general recommendation No. 32.

59. Haiti was increasingly becoming a place of transit for victims of trafficking but, despite having ratified the 1951 Convention relating to the Status of Refugees, the State party did not appear to have a law defining the conditions under which asylum could be requested and granted. She wished to know whether the authorities had any plans to enact such legislation.

The meeting rose at 6 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1395th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 1 March 2016, at 10 a.m.

Chair: Ms. Hayashi

Contents

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Haiti (continued)
(CEDAW/C/HTI/8-9; CEDAW/C/HTI/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Haiti took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Mr. Bazelais** (Haiti), responding to questions raised at the previous meeting, said that Haitians who lacked birth certificates were not deemed to be stateless persons because a declaration of birth could be made at a later stage pursuant to a decree adopted in 2012. The Ministry of Justice and Public Security, which was responsible for running the civil status system based on registry offices, had organized mobile units that travelled to communal sections to issue birth certificates. Haitian nationality was transmitted to foreigners who married Haitian women or men pursuant to the 1984 Nationality Act. However, as that Act failed to provide for cases of statelessness, a new bill had been drafted to address the problem. Dual nationality was also permissible. A bilateral commission was discussing the situation of stateless persons from Haiti who were currently resident in the Dominican Republic.

3. **Ms. Romulus** (Haiti) said that the Ministry of Justice and Public Security had increased the number of clerks who were employed in civil registry offices and travelled to communal sections to issue birth certificates. Registry units had also been established in hospitals to enable mothers to register their children.

4. **Mr. Bazelais** (Haiti) said that registry units had been established in at least six hospitals to date. As soon as additional financial resources became available, the system would be extended to other hospitals and health-care centres.

5. **Ms. Schulz** asked whether the civil registry offices had been combined with the National Identification Office, which issued identity cards. She also wished to know whether the State party had considered ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. She welcomed the recognition of dual nationality, which frequently played an important role in ensuring gender equality.

6. **Mr. Bazelais** (Haiti) said that the Ministry of Justice and Public Security planned to combine the National Identification Office with the civil registry offices. The information that the National Identification Office registered for the purpose of issuing a national identity card was occasionally provided by witnesses accompanying the applicant. That information could subsequently be used by the registry offices to issue a birth certificate.

7. **Ms. Romulus** (Haiti) said that the Government intended to ratify the two Conventions on statelessness in the near future. Responding to a question raised at the previous meeting, she said that no bill had as yet been drafted on the right to asylum.

8. **Ms. Schulz** asked how long it would take for the State party to provide birth certificates and national identity cards to the entire population.

9. **Ms. Gelin** (Haiti) said that she was unable to specify the time frame. However, vigorous action was being taken to ensure that newborn babies were immediately registered. It would be more difficult to expedite the process in the case of adults. There was a unit of

the National Identification Office at the Ministry for the Status of Women and Women's Rights, which issued national identity cards to women, including women with disabilities.

10. **Ms. Hofmeister**, revisiting a number of questions that she had raised at the previous meeting, asked what concrete steps the State party had taken to protect human rights defenders against violence, whether women with disabilities were employed in the civil service, and whether women occupied decision-making positions on private sector boards. She would also like information about the role of women and girls as agents of change in the areas of sustainable development policies, climate change policies and natural resource management.

11. **Mr. Bazelais** (Haiti) said that, one year previously, the Ministry of Justice and Public Security had requested the courts to consider the complaints of certain human rights defenders who had been intimidated. Security services, such as police oversight of the human rights defenders' offices, had been provided in some cases.

12. **Ms. Gelin** (Haiti) said that each ministry and public institution was required to employ at least two women with disabilities. Replying to the question concerning the role of women and girls as agents of change, she said that the Government encouraged female students at vocational schools and universities to seek qualifications that guaranteed highly paid careers. Women were heavily involved in the informal economy, but they lacked social protection and were therefore among the first to suffer when political problems arose. The Government was endeavouring to promote their involvement in more formal sectors such as construction and transport.

Articles 10 to 14

13. **Ms. Bailey** noted that, according to the 2010-2011 schools census, there had been an improvement in access to primary and secondary education among girls, and that enrolment ratios for the two sexes were now almost equal at both levels. However, according to data for 2008 provided by the United Nations Children's Fund (UNICEF), only 51.5 per cent of girls had been enrolled at the primary level and only 21.1 per cent at the secondary level. She understood that schools at both levels were predominately privately owned or community-based establishments and that students whose families were unable to pay the fees were excluded. The Committee therefore commended the State party on its decision to launch a free and compulsory universal education programme in 2011. According to the replies to the list of issues, free education had been provided in 2014/15 for just under 1.5 million children, almost half of whom were girls. She asked whether the programme targeted fee-paying students who were unable to afford the fees, children who had dropped out of school or children who had never attended school. She also wished to know whether the Ministry of Education had devised a long-term strategy to convert the privately owned system into a public system so that the goal of free and compulsory education could be realized for a larger majority of students, particularly girls.

14. It had been reported in 2014 that 60 per cent of schools lacked sanitary facilities and that 75 per cent had no water. As those problems had a particularly adverse impact on adolescent girls, who required such facilities to maintain their menstrual hygiene, she would like to know whether the deficiencies were being addressed.

15. As literacy rates were lower for women than for men and lower for both sexes in rural areas, she asked whether the national literacy campaign launched in March 2014 would specifically target rural women. She also wished to know whether the campaign was being coordinated with the pursuit of adult literacy goals under extreme poverty reduction programmes in order to maximize gains in women's literacy and ensure effective use of resources.

16. Given girls' restricted access to secondary and tertiary education, vocational education was an important means of self-employment and income generation for young women. According to the report, women had accounted for 42 per cent of the 2013 intake of the National Institute of Vocational Training but tended to pursue options that were in line with traditional women's roles and were not in keeping with labour market opportunities. She asked whether the Ministry of Education planned to encourage both sexes, but particularly girls, to move into non-traditional areas that could enable them to become economically independent.

17. According to the replies to the list of issues, information about acts of violence and the sexual harassment of girls in schools was compiled by women's organizations. She asked why the Ministry of Education was not more directly involved in monitoring and controlling the situation, especially since such acts violated the Criminal Code. Since the parts of the 2014-2020 National Action Plan that provided for action against sexual violence in schools, the introduction of a sexual and reproductive health education curriculum and the adoption of measures to eliminate gender stereotypes had not yet been implemented, she would like to know whether a time frame for implementation had been set.

18. **Ms. Nwankwo** asked why the promulgation of the draft act on the labour conditions of domestic workers had been delayed and whether the draft contained provisions on minimum pay, sick leave, compensation for work accidents, rest periods and workplace inspections to ensure safe and decent working conditions. She also wished to know whether the law prescribed penalties for employers who were guilty of abusing or exploiting domestic workers. Commending the reorganization and strengthening of the labour inspectorate, she enquired whether new inspectors had been recruited and adequately trained, including in the provisions of the Convention, and what percentage of inspectors were women.

19. According to a business survey conducted by the Ministry of Commerce and Industry, women accounted for just over 61.4 per cent of enterprise owners. She would like to know more about the basic definition of enterprises and the types of enterprises owned by women. According to alternative sources of information, women were employed in unpaid or poorly paid labour-intensive and gender-stereotyped activities in the informal sector. In its reply to the Committee's question concerning the informal sector, the State party had merely stated that security had been enhanced in areas surrounding public markets with a view to protecting female street vendors against various types of aggression.

20. Gender-stereotyped small-scale enterprises such as street vendors continued to be marginalized in mainstream policies and were denied access to credit, training, technology, mobility and markets. She asked whether steps were being taken to use small-scale enterprises in the informal sector as a mechanism for giving women the increased economic power that could lead to greater domestic power and control over their lives. Information about efforts to redistribute resources and to provide women with greater access to means of production, including credit, training and technology, would also be useful.

21. Since the State party was required to ensure that the private sector did not discriminate against women in recruitment, remuneration, promotion or training, she wished to know to what extent the Government was implementing and monitoring public and private sector employment, equity and positive action programmes to address systemic discrimination against women in the labour force, particularly women with disabilities and women belonging to other disadvantaged groups. She would also like to know about efforts to implement the principle of equal remuneration for work of equal value and whether any specific mechanism had been established to adjudicate matters relating to wage discrimination. Information about the impact of strategies to eliminate child labour and, more specifically, to address the excessive domestic demands made on girls, who were

required to carry out unpaid work both in their own homes and in other households, was also needed.

22. **Ms. Chalal** said that she was concerned about the persistent obstacles to full enjoyment of the right to health faced by women, particularly rural women, women with disabilities, internally displaced women, lesbian, bisexual and transgender women and women detainees, and asked what measures had been taken to guarantee women's access to health care and other health-related social services. She would also like information about action taken to improve health-care facilities and provide such facilities with qualified staff and adequate resources.

23. She asked whether steps had been taken to expedite the enactment of the bill to decriminalize abortion and whether the law would legalize abortion in cases where the mother's life or health were in danger, and in cases of rape, incest or severe malformation of the fetus. Given the high maternal mortality rate, details of any measures taken to ensure that abortion was not used as a family planning measure would be appreciated.

24. She also wished to know whether the 2014-2020 National Action Plan of the Ministry for the Status of Women and Women's Rights facilitated access for students in different age groups to comprehensive courses in sexual health and hygiene, reproduction, family planning services and the use of modern contraceptives; whether the 72-hour rule following rape was respected; and whether the rule was applicable to women with disabilities, who were reportedly stigmatized in the health services and in some cases denied access to health care. Noting that lesbian, bisexual and transgender persons were also allegedly subjected to discrimination and therefore sometimes refrained from seeking medical care even if their lives were at risk, she asked whether action was being taken to guarantee speedy access to affordable health care for women in those categories.

25. Noting also the disproportionately high number of women, particularly prostitutes, who lived with HIV/AIDS, notwithstanding the ongoing awareness-raising campaigns run by the Ministry of Health and by civil society organizations, she asked whether additional emergency measures had been adopted to facilitate access to antiretroviral therapy, particularly in light of the risk of mother-to-child HIV transmission. Lastly, she asked what procedures were used to monitor the implementation of health policies and assess their effectiveness and whether women with disabilities and internally displaced women were expressly covered in the health-care programmes developed by the Ministry of Health.

26. **Ms. Milton** (Haiti) said that, according to statistics for 2013/14 the primary school enrolment rate was 42 per cent for girls and 51 per cent for boys. Almost 29 per cent of secondary schools were in the public sector. The enrolment rates at that level were just under 37 per cent for girls and 47 per cent for boys and the total number of secondary school students was approximately 663,000.

27. The free and compulsory universal education programme covered the two cycles of primary education in both public and private schools. The Education for All programme also provided free education. The School Health Department of the Ministry of National Education and Vocational Training had implemented a number of programmes to promote student awareness of HIV/AIDS. Students had been invited to participate in a television programme on sexual health, and a guidebook for schools on HIV/AIDS had been published. Both had highlighted the gender equity dimension. Schooldays had been dedicated to health-care issues in May 2013 and August 2015 and certificates were issued to schools that met certain "friends of hygiene" criteria, including, inter alia, the requirement that they have at least one toilet for every 30 girls.

28. **Ms. Gelin** (Haiti) said that because girls in vocational schools had a tendency to opt for traditional careers that limited their job opportunities, the Government was organizing work placements and taking other steps to incentivize them to train as electricians,

plumbers and tilers. The Ministry for the Status of Women and Women's Rights was informed of sexual harassment cases in schools only if they involved a member of the teaching staff. In 2016, it had handled two such cases, both of which had been referred to the Ministry of Education and Vocational Training for appropriate action.

29. The Ministry for the Status of Women and Women's Rights was in the process of drafting a handbook on sexual and reproductive health education. It also ran workshops in schools, but it had faced a certain degree of resistance from religious schools because of an unwillingness to discuss issues such as contraception and gender equality.

30. **Ms. Romulus** (Haiti) said that the draft act on the labour conditions of domestic workers had not yet been promulgated, despite having been approved by the Parliament in 2008. The Ministry of Social Affairs and Labour was responsible for conducting workplace inspections. In January 2015, women had accounted for around 33 per cent of employees in the executive branch, 22 per cent of judges, and 14.3 per cent of heads of enterprises affiliated with the Association of Industries of Haiti (ADIH).

31. **Mr. Bazelais** (Haiti) said that steps were being taken to train more women judges. Responding to Ms. Chalal's earlier question, he confirmed that abortion was decriminalized in the new draft Criminal Code.

32. **Ms. Milton** (Haiti) said that, in recent years, the Ministry for the Status of Women and Women's Rights had been raising awareness of sexual harassment in schools. The initiative had originally targeted schools in the communes of Arcahaie and Cabaret but had since been extended to other parts of the country.

33. **Ms. Gelin** (Haiti) said that, to combat violence among students who attended different schools, all students had been made to wear the same uniform. Women street vendors were entitled to a card with which they could access health-care services and, thanks to a scheme set up by the Ministry of Social Affairs and Labour, could join forces and apply for microloans that were only partly repayable.

34. The Government was endeavouring to end the exploitation of *restavèk* children, who were placed with families wealthier than their own and expected to carry out household chores in exchange for food and housing. It had also taken steps to raise awareness of rape and of unintended pregnancy, particularly in communes in the east of the country, where rape was more prevalent as offenders could escape to the Dominican Republic with relative ease.

35. **Ms. Gbedemah**, noting that the 2012 Act on the Integration of Persons with Disabilities provided for special education, asked what was being done to promote inclusive education, for example by training teachers, reaching out to parents and ensuring that girls with disabilities were safe at school.

36. **Ms. Schulz** asked whether abortion was fully decriminalized in the new draft Criminal Code or whether its availability was still subject to certain restrictions. She invited the delegation to describe the measures taken in the area of health to respond to the specific needs of women and girls with disabilities, and said that the long delay in promulgating the draft act on the labour conditions of domestic workers and, for example, the lack of a law governing consensual unions could be considered indicative of negligence on the part of the authorities with regard to women's rights.

37. **Ms. Chalal** said that statistics on women living with AIDS would be useful and asked what measures were envisaged to strengthen the support provided to such women.

38. **Ms. Bailey** said that the Government needed to gather comprehensive data on national enrolment rates in order to determine how many children were attending school and, just as importantly, how many were not.

39. **Ms. Pimentel** said that she would appreciate clarification regarding the content of the articles of the new draft Criminal Code that dealt with abortion as well as statistics, disaggregated by sex, on the school attendance of *restavèk* children.

40. **Ms. Romulus** (Haiti) said that abortion was legal in the event of a pregnancy resulting from rape or incest. Responding to a request for clarification from Ms. Schulz, she confirmed that women and girls could also request an abortion even if they had not been raped.

41. **Mr. Bazelais** (Haiti) said that, if a young girl was forced to undergo an abortion following rape or incest, abortion remained punishable under the new draft Criminal Code.

42. **Ms. Gelin** (Haiti) said that the number of girls attending school had risen considerably in recent years thanks to various Government initiatives. For example, the availability of free school buses and free hot meals served as incentives for parents who might otherwise choose to keep their children at home. Increases in enrolment rates were particularly pronounced in rural areas, where in some cases children would previously have faced a two-hour hike in order to reach school.

43. **Ms. Romulus** (Haiti) said that a previously drafted bill to address the situation of women in consensual unions (*plaçage*) had failed to gain parliamentary support, even though such unions accounted for around three quarters of all unions in Haiti. The situation of women in relationships of that kind therefore remained unregulated, even if the relationship had lasted 20 years or more, but the Ministry for the Status of Women and Women's Rights was working on a new draft.

44. Persons with disabilities faced considerable stigmatization in Haiti. Children with disabilities were rarely enrolled in school as parents preferred to keep them hidden from view, perceiving them to be a source of family shame. The Government was taking steps to address the physical barriers to school attendance, for example, by installing access ramps, but the cultural and social obstacles would take longer to overturn.

45. There was no wage discrimination in the public sector. Government officers earned the same salary regardless of their gender. Unfortunately, although women continued to fight for wage parity, that situation was not reflected in the private sector. For example, the many female bank managers in Haiti earned less than their male peers. The delegation did not have information about the number of female labour inspectors but would endeavour to obtain the figures requested after the meeting.

Articles 13 and 14

46. **Ms. Pomeranzi**, noting that there appeared to have been no increase in the number of Haitians enjoying minimum social protection since the submission of the sixth periodic report, asked whether the various social programmes described in the combined seventh and eighth periodic reports together constituted a comprehensive, national social protection policy; whether they were supported by a national poverty reduction policy; and whether they had a gender focus. She would particularly like to know: whether a gender perspective was incorporated in cash transfer programmes such as the Ede Pep ("Helping people") social assistance programme; what role the Ministry for the Status of Women and Women's Rights played in planning women's economic empowerment measures; to what extent Haitian women's NGOs were involved in the development of such measures; and how, in the absence of an implementation plan, the State party expected to fulfil goals 11, 12 and 13 of its National Action Plan for Equality, which were very ambitious. The fact that women's status had not improved even though over two thirds of credit scheme beneficiaries were apparently women suggested that more effective approaches and more targeted programmes were needed.

47. **Ms. Acosta Vargas** said that she would like details of any Government measures to offset the negative impact that recent periods of prolonged drought had had on agricultural production, agricultural prices and the revenues of rural women. She would like to know more about the scope and impact of the World Bank Gender Action Plan for agriculture, including whether the plan was still operational, and also about measures adopted as a result of the analysis referred to in paragraph 154 of the periodic report. She further enquired: whether the international cooperation aid received by the State party had brought direct benefits for women in rural areas; what percentage of that aid was being used to fund programmes targeting rural women; whether the State party had statistics indicating how many Haitian women were farmers; how many such women had access to land ownership; whether any measures had been adopted to facilitate that access; what percentage of internal development aid was allocated to rural women; whether the State funded technical training to help increase women's productive efficiency; to what extent the Ministry for the Status of Women and Women's Rights cooperated with the Ministry of Agriculture, Natural Resources and Rural Development; what mechanisms were in place to ensure access to justice in rural areas; and what type of offences were most frequently reported by rural women.

48. **Mr. Bazelais** (Haiti) said that district judges were assigned to specific rural communities to deal with any disputes that might arise. Generally, such disputes were linked to agriculture. In principle, women had unrestricted access to land ownership, including through succession. The delegation was unable to provide statistics to support that observation at present but should be in a position to do once the results of a recent survey to measure land ownership among women became available.

49. **Ms. Gelin** (Haiti) said that the Government's efforts to assist rural women during and after the two recent droughts had included providing hot meals for their families and fertilizers to help them to recultivate their land. The 2014-2020 National Action Plan for Equality was designed to foster sustainable development and the authorities would do everything in their power to obtain sufficient funds for its full implementation. There was no specific plan addressing the situation of persons living below the poverty line. However, in recognition of agriculture's crucial role in development a significant slice of the State budget for 2016 had been allocated to that sector.

50. **Ms. Acosta Vargas** asked how the Government would ensure that the increased budget allocation brought direct benefits for rural women and what strategies it would use to increase their participation in decision-making.

51. **Ms. Romulus** (Haiti) said that the Government was in the process of creating agricultural credit banks to help raise rural women's standard of living. Those women were in a very different situation to women living in the capital city as they were involved in both the production and sale of agricultural products and for that reason had greater need for credit and technical support. The Government was endeavouring to provide assistance for agricultural processing, in addition to offering loans through the credit banks, but was constrained by the fragility of the economy. Certain areas were beginning to benefit but progress was not uniform nationwide and rural women remained the poorest segment of the population.

Articles 15 and 16

52. **Ms. Schulz**, highlighting a number of discriminatory provisions in the Civil Code, including the different marriageable ages for boys and girls and the year-long waiting period prior to remarriage imposed upon divorced women but not divorced men, asked what the State party was doing to address that discrimination and modernize the provisions of the Code, whether it had a time frame for those reforms and whether it had secured the necessary support from international agencies. An explanation of the political obstacles

blocking the adoption of a law on consensual unions that would guarantee the rights of the vast numbers of women living in such unions, and also those of their children, would be appreciated.

53. Returning to the issue of land ownership and noting that customary law provisions concerning the inheritance and succession rights of women differed significantly from the parallel civil law provisions, she asked what was being done to harmonize the two systems and eliminate the discrimination inherent in both. With regard to the recently promulgated Paternity, Maternity and Filiation Act, she would like to know how the authorities would ensure that women were aware of their rights and knew how to apply for child maintenance, including in cases where the fathers were staff members of the United Nations Stabilization Mission in Haiti. Lastly, expressing concern about the lack of medical laboratories equipped to conduct DNA tests in Haiti and the prohibitive costs that women seeking to establish paternity could face as a result, she asked what support was available to assist women in that situation.

54. **Mr. Bazelais** (Haiti) said that the mismatch between formal and informal law was an issue of great concern for the Government. A committee had been established to review the Civil Code and the parallel provisions of customary law and work was already under way. The Government was also working to address the inadequate regulation of consensual unions. Children born of such unions had the usual maintenance and inheritance rights, provided they were recognized by the father. However, the inheritance and other rights enjoyed by their mothers upon the father's death or at the end of the relationship were not clearly established and existing case law was neither consistent nor binding.

55. **Ms. Romulus** (Haiti) said that the Ministry for the Status of Women and Women's Rights received numerous complaints from women who were unable to claim maintenance for their children because the children had no birth certificate and/or had not been recognized by their father. In those situations, the burden of proof in establishing paternity lay with the mother, who often lacked the resources to undertake a DNA test. The Paternity, Maternity and Filiation Act provided for the adoption of an implementing decree to address that problem and the Ministry had launched a nationwide campaign to raise awareness of its provisions.

56. **Ms. Schulz**, noting that United Nations staff members and diplomats were excluded from the scope of the Paternity, Maternity and Filiation Act, asked whether women who had had children by United Nations staff members received any form of support from the United Nations in claiming child maintenance or whether the fathers were exempted from the usual parental obligations. She also wondered whether, in view of men's reticence in recognizing paternity, the burden of proof could not be reversed so that the alleged father was required to take a DNA test at his expense in order to disprove paternity.

57. **Ms. Pimentel** asked whether DNA testing was the only way to resolve paternity disputes. Since testing was expensive, could the testimony of members of the local community as to the existence of a long-term spousal relationship serve as evidence?

58. **Ms. Romulus** (Haiti) said that the existence of a long-term relationship between a man and a woman did not necessarily mean that the man was the biological father of her children. Men did on occasions take paternity tests on their own initiative, generally to prove rather than disprove paternity. Because the Paternity, Maternity and Filiation Act had eliminated the distinction between lawful and unlawful children, some of the obstacles to recognition of paternity had been removed, since men who had children with more than one woman were now able to recognize all their offspring as lawful children.

59. **Mr. Bazelais** (Haiti) said that the testimony of members of the community might be used to support a paternity claim but did not constitute evidence in its own right. At present, there was a lack of specific legislation to address situations in which fathers refused to

recognize paternity. A considerable number of United Nations staff members had had children with Haitian women and most of them had assumed due responsibility. However, in cases where they abrogated their responsibility, their status as United Nations staff members did afford a certain immunity. In his view, that immunity should be reviewed.

The meeting rose at 12.30 p.m.